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In re Application of :
IORDANESCU et al. :
U.S. Application No.: 10/500,342 :
PCT No.: PCT/US02/40641 :
Int. Filing Date: 18 December 2002 :
Priority Date: 27 December 2001 :
Attorney's Docket No.: 015280-457100US :
For: AUTOMATED CENTERLINE DETECTION :
ALGORITHM FOR COLON-LIKE 3D :
SURFACES :

DECISION

This decision is in response to applicants' "Notification of Error in Small Entity Status and Payment of Deficiency Owed under 37 CFR 1.28(c)" filed 30 December 2004. No petition fee is required.

BACKGROUND

On 18 December 2002, applicants filed international application PCT/US02/40641 which claimed priority date of 27 December 2001. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the international filing date, 27 June 2004.

On 24 June 2004, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by the basic national fee; a copy of the international application; and an application data sheet.

On 01 November 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 30 December 2004, applicants filed "Notification of Error in Small Entity Status and Payment of Deficiency Owed under 37 CFR 1.28(c)" and an executed declaration.

DISCUSSION

Applicants state in "Notification of Error in Small Entity Status and Payment of Deficiency Owed under 37 CFR 1.28(c)" that "[t]he above-identified application filed on June 24, 2004 originally claimed small entity status . . . it has recently been discovered that such status as a small entity was established in error due to inadvertence and without deceptive intent."

37 CFR 1.28(c) provides:

that if small entity status is established in good faith and the small entity fees are paid in good faith, and it later discovered that such status as a small entity was established in error or through the Office was not notified of a change, the error will be excused upon compliance with the separate submission and itemization requirements of 37 CFR 1.28(c)(1) and (c)(2) and the deficiency payment requirement of 37 CFR 1.28(c)(2) is calculated using the date on which deficiency was paid in full.

Applicants have fulfilled the requirements set forth in 37 CFR 1.28(c) and counsel's deposit account will be charged the appropriate fees under 37 CFR 1.492(a)(5) and 37 CFR 1.492(b).

CONCLUSION

The request under 37 CFR 1.28(c) is GRANTED.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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